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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,209	05/10/2001	Anna M. Zara	10007990	7911

7590 05/10/2004

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

2

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/854,209

Applicant(s)

ZARA ET AL.

Examiner

Anil Khatri

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The abstract and the summary of the disclosure are objected to because it contains same and verbatim language as summary of the invention. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

Art Unit: 2122

(c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

(d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

(e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

(2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

Art Unit: 2122

- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2122

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by *Imai et al* USPN 5,978,590.

Regarding claims 1

*Imai et al teaches,*

- discovering a new unit deployed within a data center (figures 3 and 6, column 1, lines 48-65, “installation system...”);
- finding a configuration template for the discovered unit (column 6, lines 52-65, “ to check the hardware... installation server 3”, column 7, lines 63-67, “ system in which.. hardware configuration”, column 8, lines 45-67, “ the hardware configuration... process every night”) ; and
- automatically installing software on said discovered unit based upon said configuration template (“column 2, lines 53-60, “ that automatically installs... computer terminal”).

Regarding claim 2

*Imai et al teaches,*

- determining whether said unit requires soft configuration (column 10, lines 36-59, “operating system software... software program is completed”); and
- if said unit requires soft configuration, then receiving a network request for configuration data from unit (column 10, lines 36-59, “operating system software... software program is completed”).

Regarding claim 3

*Imai et al teaches,*

- determining if the MAC (Media Access Control) address sent with said network request is of a known MAC (see figures 3, 5 and 6).

Regarding claim 4

*Imai et al teaches,*

- extracting the MAC of the network device which originated said network request (see figure 6, column 5, lines 57-65, “ if the initialization... is read from...”);
- comparing the determined MAC with a list of known MACS, said MAC being known if said determined MAC is also found in said list (column 6, lines 29-51, “ the installation start up... software program”).

Art Unit: 2122

Regarding claim 5

*Imai et al teaches,*

- finding an asset ID in an asset records database, said asset ID based upon MAC.(column 6, lines 29-51, “ the installation start up... software program”).

Regarding claim 6

*Imai et al teaches,*

- -determining the state of said unit (figures 3 and 6, column 1, lines 48-65, “installation system...”);
- if said state is one of initial and re-install, then proceeding with said finding of a configuration template (column 6, lines 52-65, “ to check the hardware... installation server 3”, column 7, lines 63-67, “ system in which.. hardware configuration”, column 8, lines 45-67, “ the hardware configuration... process every night”);
- if said state is one of initial and re-install, then proceeding with normal boot sequence (column 3, lines 3-6, “ an installation start up... is switched on”).

Regarding claim 7

*Imai et al teaches,*

- if said determined MAC is not known, then proceeding with intruder diagnostics (column 10, lines 43-59, “a decision is made... software program is completed”).

Regarding claim 8

*Imai et al teaches,*

- prior to a new unit being deployed, associating the unit with an asset record (column 7, lines 6-21, “ initialization determination... installs the software”).

Regarding claim 9

*Imai et al teaches,*

- creating said asset record with a specific asset ID, said asset ID tied to a fixed parameter of said unit (column 7, lines 6-21, “ initialization determination... installs the software”);
- waiting for said unit to be received and prepared for assembly (column 8, lines 8-33, “ fig 3 shows a block... of the serial numbers”);
- correlating said received unit with said created asset record (column 8, lines 8-33, “ fig 3 shows a block... of the serial numbers”).

Art Unit: 2122

Regarding claim 10

*Imai et al teaches,*

- reading bar-code information on components of said unit (figure 4);
- determining which one of a plurality of asset records contains parameters that match bar-code information (figure 4, column 10, lines 8- 15, “ with a bard code reader... region is read”); and
- associating said unit with said determined asset record, said determined asset record being the same as said created asset record for said unit (figure 4, column 10, lines 8- 15, “ with a bard code reader... region is read”).

Regarding claim 11

*Imai et al teaches,*

- unit is mountable within rack of said data center (column 12, lines 17-25, “ installation decider...installation server”).

Regarding claim 12

*Imai et al teaches,*

- fixed parameter is the MAC address of the primary Network interface Card (NIC) of said unit (figures 3 and 6, column 8, lines 46-67).

Regarding claim 13

*Imai et al teaches,*

Rejection of claim 1 is incorporated and further claim 13 recites limitations as cited in claim 1, therefore claim 13 is rejected under same rational as claim 1.

Regarding claim 14

*Imai et al teaches,*

- software configuration is instructed on the manner and content of said installation by a software configuration template (column 6, lines 52-65, “ check the hardware... installation sever 3”).

Regarding claim 15

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 15 recites limitations as cited in claim 2, therefore claim 15 is rejected under same rational as claim 2.



Art Unit: 2122

Regarding claim 16

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 16 recites limitations as cited in claim 3, therefore claim 16 is rejected under same rational as claim 3.

Regarding claim 17

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 17 recites limitations as cited in claim 11, therefore claim 17 is rejected under same rational as claim 11.

Regarding claim 18

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 18 recites limitations as cited in claim 12, therefore claim 18 is rejected under same rational as claim 12.

Regarding claim 19

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 19 recites limitations as cited in claim 5, therefore claim 19 is rejected under same rational as claim 5.

Regarding claim 20

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 20 recites limitations as cited in claim 6, therefore claim 20 is rejected under same rational as claim 6.

Regarding claim 21

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 21 recites limitations as cited in claim 8, therefore claim 21 is rejected under same rational as claim 8.

Regarding claim 22

*Imai et al teaches,*

Rejection of claim 13 is incorporated and further claim 22 recites limitations as cited in claim 9, therefore claim 22 is rejected under same rational as claim 9.

Regarding claim 23

*Imai et al teaches,*

Rejection of claim 1 is incorporated and further claim 23 recites limitations as cited in claim 1, therefore claim 23 is rejected under same rational as claim 1.

Regarding claim 24

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 24 recites limitations as cited in claim 2, therefore claim 24 is rejected under same rational as claim 2.

Art Unit: 2122

Regarding claim 25

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 25 recites limitations as cited in claim 3, therefore claim 25 is rejected under same rational as claim 3.

Regarding claim 26

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 26 recites limitations as cited in claim 5, therefore claim 26 is rejected under same rational as claim 5.

Regarding claim 27

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 27 recites limitations as cited in claim 6, therefore claim 27 is rejected under same rational as claim 6.

Regarding claim 28

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 28 recites limitations as cited in claim 8, therefore claim 28 is rejected under same rational as claim 6.

Regarding claim 29

*Imai et al teaches,*

Rejection of claim 23 is incorporated and further claim 29 recites limitations as cited in claim 9, therefore claim 29 is rejected under same rational as claim 9.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 5717930
- USPN 6304892
- USPN 6708187
- USPN 6640278
- USPN 6366876
- USPN 6067582

Art Unit: 2122

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANIL KHATRI**  
**PRIMARY EXAMINER**